

DUPUIS DECLARATION EXHIBIT C



2005 ASSEMBLY BILL 591

August 2, 2005 – Introduced by Representatives SUDER, KLEEFISCH, GRONEMUS, GARD, STONE, KAUFERT, VRAKAS, M. WILLIAMS, PETTIS, GUNDRUM, DAVIS, MUSSER, KESSLER, STRACHOTA, KRAWCZYK, LOTHIAN, OTT, LEMAHIEU, OWENS, KREIBICH, WOOD, ALBERS, VOS, NASS, MCCORMICK, F. LASEE, GUNDERSON, VRUWINK and HUNDERTMARK, cosponsored by Senators DARLING, LASSA, A. LASEE, BROWN, OLSEN and ROESSLER. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to create* 302.116 (3), 304.06 (1r), 946.465, 971.17 (4g), 973.10 (1r) and
2 980.08 (7) of the statutes; **relating to:** global positioning system tracking for
3 certain sex offenders while on probation, extended supervision, parole,
4 supervised release, or conditional release and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Corrections to track a person using a global positioning system (GPS) tracking device if the person is on parole, probation, or extended supervision following a conviction for first or second degree sexual assault of a child or for repeated sexual assault of a child. This bill also requires the Department of Health and Family Services to track a person using a GPS tracking device if the person is on: 1) supervised release after having been committed for treatment as a sexually violent person following a first or second degree sexual assault of a child or repeated sexual assault of a child; or 2) conditional release after having been found not guilty by reason of mental disease or defect of first or second degree sexual assault of a child or repeated sexual assault of a child.

This bill prohibits a person from tampering with a GPS device required by the bill. A person who violates this prohibition is guilty of a felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three years and six months (which, if the sentence is for more than one year, includes a term of extended supervision) or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

ASSEMBLY BILL 591

report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 302.116 (3) of the statutes is created to read:

2 302.116 (3) If the person is on extended supervision following a violation of s.
3 948.02 (1) or (2) or 948.025 or of a law of another state that is comparable to s. 948.02
4 (1) or (2) or 948.025, the department shall have the person tracked using a global
5 positioning system tracking device as a condition of extended supervision.

6 **SECTION 2.** 304.06 (1r) of the statutes is created to read:

7 304.06 (1r) As a condition of parole for a violation of s. 948.02 (1) or (2) or
8 948.025 or of a law of another state that is comparable to s. 948.02 (1) or (2) or
9 948.025, the department shall have the parolee tracked using a global positioning
10 system tracking device.

11 **SECTION 3.** 946.465 of the statutes is created to read:

12 **946.465 Tampering with a global positioning system tracking device.**

13 Whoever intentionally tampers with a global positioning system tracking device that
14 is required under s. 302.116 (3), 304.06 (1r), 971.17 (4g), 973.10 (1r), or 980.08 (7) is
15 guilty of a Class I felony.

16 **SECTION 4.** 971.17 (4g) of the statutes is created to read:

17 971.17 (4g) TRACKING OF SEX OFFENDERS ON CONDITIONAL RELEASE. As a condition
18 of conditional release, the department of health and family services shall have a
19 person tracked using a global positioning system tracking device if the person is

ASSEMBLY BILL 591

1 conditionally released under sub. (3) or (4) (e) after having been found not guilty by
2 reason of mental disease or defect of a violation of s. 948.02 (1) or (2) or 948.025.

3 **SECTION 5.** 973.10 (1r) of the statutes is created to read:

4 973.10 (1r) If probation is imposed for a violation of s. 948.02 (1) or (2) or
5 948.025 or of a law of another state that is comparable to s. 948.02 (1) or (2) or
6 948.025, the department shall have the probationer tracked using a global
7 positioning system tracking device as a condition of probation.

8 **SECTION 6.** 980.08 (7) of the statutes is created to read:

9 980.08 (7) If the person granted supervised release is committed under s.
10 980.06 for an offense under s. 948.02 (1) or (2) or 948.025, the department shall have
11 the person tracked using a global positioning system tracking device as a condition
12 of supervised release.

13 **SECTION 7. Initial applicability.**

14 (1) This act first applies to all persons who are on parole, probation, extended
15 supervision, supervised release, or conditional release on the effective date of this
16 subsection.

17 **SECTION 8. Effective date.**

18 (1) This act takes effect on the first day of the 6th month beginning after
19 publication.

20 (END)